

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
February 28, 2007 Session

**CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY d/b/a
ERLANGER HEALTH SYSTEM v. BRADLEY COUNTY, TENNESSEE, ET
AL.**

**Chancery Court for Bradley County
No. 01-386 Jerri S. Bryant, Chancellor**

No. E2006-01457-COA-R3-CV - FILED APRIL 3, 2007

SHARON G. LEE, J., dissenting.

Because I find this case factually distinguishable from *Chattanooga-Hamilton County Hospital Authority, d/b/a Erlanger Health System v. Bradley County, Tennessee*, 66 S.W.3d 888 (Tenn. Ct. App. 2001) (“*Erlanger I*”), I disagree with my esteemed colleagues who believe that our decision in *Erlanger I* dictates our result in the case at bar. Therefore, I respectfully dissent.

The statute at issue in this case and in *Erlanger I* provides in relevant part that “county legislative bodies alone have the power, and it is their duty, to provide medical attendance upon all prisoners confined in the jail in their respective counties.” Tenn. Code Ann. § 41-4-115(a). *Erlanger I* involved a suspect, Ricky Vincent Dunn, who was shot by a Bradley County police officer during his arrest. A police deputy accompanied Mr. Dunn to the hospital, where he was immediately placed under a police hold at the request of Bradley County. When Mr. Dunn was released from the hospital, he was “picked up by the Bradley County Sheriff’s Department and taken to the County Jail.” *Erlanger I*, 66 S.W.3d at 889. We held that “it is clear that Dunn was in police custody, and he would have been arrested and taken to jail, had he not been wounded in the shoot-out with the deputy.” *Id.* at 891. As such, Mr. Dunn was a prisoner in the custody of the Bradley County Sheriff’s Department, and the county was required to pay for his medical care pursuant to Tenn. Code Ann. § 41-4-115.

In the case at bar, the patient, Brandon Ramsey, was involved in a shooting with at least four other people at a Cleveland bar. Mr. Ramsey was transported to Bradley County Memorial Hospital and then airlifted to Erlanger because of his severe injuries. Unlike the patient in *Erlanger I*, Mr. Ramsey was not placed under arrest before he was transported to Bradley County Memorial Hospital, and no police officer accompanied Mr. Ramsey to either hospital. A warrant was not obtained for Mr. Ramsey’s arrest until 18 to 20 hours after the shooting occurred, and the arrest warrant was never served on Mr. Ramsey. No police officer was assigned to guard Mr. Ramsey’s room at Erlanger, despite repeated requests from hospital security.

There is conflicting evidence in the record about a “police hold” on Mr. Ramsey; however, this term is vague and is defined differently in several parts of the record. In his deposition, Det. John Dailey, Jr., (“Det. Dailey”) testified that after he obtained an arrest warrant for Mr. Ramsey on the night of March 24, 2001, he contacted Erlanger and asked them to place a police hold on Mr. Ramsey. Det. Dailey said that he was notified the next morning that Erlanger would not allow a police hold on a patient unless an officer was sent to guard the patient’s room. Det. Dailey checked with his supervisor, who indicated that the police department could not send someone to guard Mr. Ramsey’s room. Det. Dailey said he then spoke with a dispatcher at Erlanger, who agreed to an “unofficial hold” whereby the hospital would notify police two hours before Mr. Ramsey was released. A transcript of this telephone conversation was submitted in support of both Bradley County and the City of Cleveland’s motions for summary judgment. Erlanger submitted a copy of its “police hold” documentation as an exhibit to its reponse to the defendants’ motions for summary judgment. The form, which was allegedly placed in the front of Mr. Ramsey’s chart, indicated that he was being “HELD FOR POLICE.” The form further stated as follows: “THE NURSING UNIT will notify appropriate Police Headquarters 24 Hours BEFORE dismissal of patient. This will allow the Law Enforcement Agency time *to arrange for the custody of the patient.*” (emphasis added). Reviewing this form, it certainly appears that Mr. Ramsey was not in police custody, if the purpose of the call from the nursing staff would be to allow police time to “arrange” for custody of Mr. Ramsey. Bradley County admitted that the “unofficial hold” was lifted on or about April 5, 2001. Upon his release from the hospital, Mr. Ramsey was not taken into police custody and arrested. Furthermore, it is unclear whether Mr. Ramsey would have been arrested if he had left the hospital before being released by Erlanger authorities, which is a marked difference from the patient’s situation in *Erlanger I*.

The trial court found Bradley County liable for Mr. Ramsey’s medical bills while Mr. Ramsey was under a police hold at Erlanger; however, there is nothing in the record or in Tennessee law which establishes that a police hold of any kind is equivalent to being a “prisoner” for the purposes of Tenn. Code Ann. § 41-4-115. Taking all of this evidence as a whole, I cannot find that the trial court was correct in granting partial summary judgment to Erlanger and ordering Bradley County to pay Mr. Ramsey’s medical bills for the time he was under a police hold at Erlanger. I respectfully dissent.

SHARON G. LEE, JUDGE